

PROOF

STATE OF IOWA

House Journal

WEDNESDAY, MARCH 16, 2005

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JOURNAL OF THE HOUSE

Sixty-sixth Calendar Day - Forty-sixth Session Day

Hall of the House of Representatives
Des Moines, Iowa, Wednesday, March 16, 2005

The House met pursuant to adjournment at 8:52 a.m., Speaker Rants in the chair.

Prayer was offered by Reverend Robert Loudon, pastor of Cambria Baptist Church, Cambria. He was the guest of Representative Kurt Swaim from Davis County.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Speaker Rants.

The Journal of Tuesday, March 15, 2005 was approved.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

D. Taylor of Linn on request of Murphy of Dubuque.

INTRODUCTION OF BILLS

House File 793, by committee on state government, a bill for an act relating to the conduct of elections and voter registration by providing when candidates to fill county office vacancies are to be nominated at the primary election, relating to signature requirements on nomination petitions, requiring legislative council approval of certain expenditures for implementation of the Help America Vote Act, relating to use of substitute precinct election officials, relating to ballot printing requirements, modifying closing hours of the polls, modifying identification requirements at the polls, providing grounds for challenging a voter's qualifications, relating to preparation of tally lists, striking the authority of the state or county commissioner to issue a notice of a technical infraction, prohibiting candidates or incumbents from being observers when absentee ballots are counted, clarifying that certain confined persons may vote an

absentee ballot in person at the commissioner's office, imposing a prohibition on absentee ballot couriers, prohibiting certain communications when absentee ballots are being counted, exempting military and overseas voters from the identification and verification requirements for mail voter registrants, relating to multiple requests for an absentee ballot for a military and overseas voter, relating to changes of address and replacement absentee ballots for military and overseas voters, exempting military and overseas voters from absentee ballot return restrictions, allowing certain military voters to return absentee ballots from within the United States, striking a requirement related to counting federal write-in ballots, repealing provisions that allow voting at satellite absentee voting stations, defining voter registration list, requiring identification of certain voter registrants, relating to signature requirements on voter registration applications, including the social security administration as a verification source for certain voter registration information, requiring verification of certain information on all voter registrations received by mail, specifying the county commissioner as the official responsible for voter registration verification, limiting the dates of special elections on public measures for certain political subdivisions and school corporations, providing for the biennial election of directors of local school districts, area education agencies, and merged areas, and including effective date, applicability date, and transition provisions.

Read first time and placed on the **calendar**.

[House File 794](#), by committee on economic growth, a bill for an act relating to economic development, business, workforce, and regulatory assistance and tax credits, and to state developmental, research, and regulatory oversight, making appropriations, and including effective date and applicability provisions.

Read first time and referred to committee on **ways and means**.

[House File 795](#), by committee on economic growth, a bill for an act relating to an inheritance tax credit for transferring a portion of an inheritance to an entity for capital investment, programming, including education, performance, and access, in arts and culture and providing a penalty.

Read first time and referred to committee on **ways and means**.

[House File 796](#), by committee on economic growth, a bill for an act relating to tax credits for equity investments in qualifying businesses or community-based seed capital funds.

Read first time and referred to committee on **ways and means**.

[House File 797](#), by committee on economic growth, a bill for an act relating to the establishment of a promotional program for national historic landmarks and certified cultural and entertainment districts.

Read first time and placed on the **calendar**.

[House File 798](#), by committee on judiciary, a bill for an act relating to family law provisions including dissolution of marriage and domestic relations and termination of parental rights provisions and providing an effective date.

Read first time and placed on the **calendar**.

[House File 799](#), by committee on judiciary, a bill for an act relating to the Iowa probate code, the Iowa trust code, and certain other trusts.

Read first time and placed on the **calendar**.

The House stood at ease at 9:01 a.m., until the fall of the gavel.

The House resumed session at 11:04 a.m., Carroll of Poweshiek in the chair.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 16, 2005, appointed the conference committee to [Senate File 169](#), a bill for an act relating to the regulation of substances which are precursors to amphetamine and methamphetamine and providing a penalty and effective dates, and the members of the Conference Committee on the part of the Senate are: the senator from Bremer, Senator Brunkhorst, Co-chair; the senator from Davis, Senator Kreiman, Co-chair; the senator from Jefferson, Senator Miller; the senator from Polk, Senator Zaun; the senator from Woodbury, Senator Warnstadt; and the senator from Dubuque, Senator Hancock.

Also: That the Senate has on March 16, 2005, passed the following bill in which the concurrence of the House is asked:

[Senate File 305](#), a bill for an act requiring the department of human services to develop and implement a voluntary child care quality rating system.

Also: That the Senate has on March 16, 2005, passed the following bill in which the concurrence of the House is asked:

[Senate File 313](#), a bill for an act relating to traffic citations issued for railroad crossing violations.

Also: That the Senate has on March 16, 2005, passed the following bill in which the concurrence of the House is asked:

[Senate File 323](#), a bill for an act establishing a uniform mediation Act.

MICHAEL E. MARSHALL, Secretary

[House File 716](#), a bill for an act relating to the military division and the homeland security and emergency management division of the department of public defense concerning the activation and use of the civil air patrol, the authority of the adjutant general to enter into interstate agreements for use of national guard personnel, peace officer status for national guard personnel performing certain missions, and the use of the national incident management system for state emergencies, was taken up for consideration.

Paulsen of Linn offered the following amendment [H-1061](#) filed by him and moved its adoption:

[H-1061](#)

- 1 Amend [House File 716](#) as follows:
- 2 1. Page 3, by striking lines 9 through 16.
- 3 2. Title page, by striking lines 6 through 7 and
- 4 inserting the following: "personnel, and the use of
- 5 the national".
- 6 3. By renumbering as necessary.

Amendment [H-1061](#) was adopted.

Paulsen of Linn moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 716](#))

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Wilderdyke	Winckler	Wise	Zirkelbach
Carroll, Presiding			

The nays were, none.

Absent or not voting, 3:

Heddens	Taylor, D.	Whitead
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The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

House File 602, a bill for an act relating to the collection, transportation, and disposal of household hazardous waste, was taken up for consideration.

De Boef of Keokuk offered the following amendment **H-1070** filed by her and moved its adoption:

H-1070

- 1 Amend [House File 602](#) as follows:
 2 1. Page 1, line 8, by striking the words
 3 "subparagraph subdivision (d)" and inserting the
 4 following: "subparagraph subdivision (e)".

Amendment [H-1070](#) was adopted.

De Boef of Keokuk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 602](#))

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Zirkelbach	Carroll,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Heddens Taylor, D.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

IMMEDIATE MESSAGES

Jacobs of Polk asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 602 and 716.**

House File 645, a bill for an act relating to the regulation of lotteries, including the definition of a lottery, permissible lotteries by commercial organizations, and the prosecution of violators, was taken up for consideration.

Raecker of Polk offered the following amendment [H-1075](#) filed by him and Wendt of Woodbury and moved its adoption:

[H-1075](#)

- 1 Amend [House File 645](#) as follows:
2 1. Page 2, line 8, by inserting after the word
3 "section," the following: "a consideration shall not
4 be deemed to have been paid or furnished where all or
5 substantially all entries representing chances to win
6 are submitted by means of the internet or the United
7 States mail or by similar delivery method to the
8 person or persons conducting the lottery, game of
9 chance, contest, or activity prior to any prize being
10 awarded, and where one or more of such chances to win
11 may be obtained by participants where no purchase or
12 payment is required to enter or win. In all other
13 cases,".

Amendment [H-1075](#) was adopted.

Raecker of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 645](#))

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta

Chambers	Cohoon	Dandekar	Davitt
De Boef	Dix	Dolecheck	Drake
Eichhorn	Elgin	Fallon	Foege
Ford	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rants, Spkr.	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Zirkelbach	Carroll,		
	Presiding		

The nays were, none.

Absent or not voting, 2:

Heddens Taylor, D.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

[HOUSE FILE 354](#) WITHDRAWN

De Boef of Keokuk asked and received unanimous consent to withdraw [House File 354](#) from further consideration by the House.

IMMEDIATE MESSAGE

Jacobs of Polk asked and received unanimous consent that [House File 645](#) be immediately messaged to the Senate.

On motion by Jacobs of Polk, the House was recessed at 11:24 a.m., until 5:00 p.m. or upon conclusion of the meetings of the committees on appropriations and ways and means.

AFTERNOON SESSION

The House reconvened at 4:29 p.m., Speaker Rants in the chair.

INTRODUCTION OF BILLS

[House File 800](#), by committee on economic growth, a bill for an act relating to requirements for economic development financial assistance used for construction purposes.

Read first time and placed on the **calendar**.

[House File 801](#), by committee on ways and means, a bill for an act providing a deduction in computing the individual income tax for certain unreimbursed expenses relating to a human organ transplant and including a retroactive applicability date.

Read first time and referred to committee on **ways and means calendar**.

[House File 802](#), by committee on ways and means, a bill for an act expanding the child and dependent care credit under the individual income tax and including an applicability date.

Read first time and referred to committee on **ways and means calendar**.

[House File 803](#), by Swaim, a bill for an act limiting the property tax exemption for fruit-tree and forest reservations to resident landowners.

Read first time and referred to committee on **ways and means**.

[House File 804](#), by S. Olson, a bill for an act relating to an income tax credit for the purchase of furnaces that are designed to burn field corn or field corn products and including a retroactive applicability date.

Read first time and referred to committee on **ways and means**.

SENATE MESSAGES CONSIDERED

[Senate File 215](#), by committee on state government, a bill for an act modifying the certified mail requirement concerning the service and delivery of certain civil rights complaints and orders.

Read first time and **passed on file**.

[Senate File 272](#), by committee on human resources, a bill for an act relating to the council with which the director of human services consults regarding the medical assistance program.

Read first time and **passed on file**.

[Senate File 305](#), by committee on human resources, a bill for an act requiring the department of human services to develop and implement a voluntary child care quality rating system.

Read first time and referred to committee on **human resources**.

[Senate File 313](#), by committee on transportation, a bill for an act relating to traffic citations issued for school bus warning device and railroad crossing violations.

Read first time and **passed on file**.

[Senate File 320](#), by committee on commerce, a bill for an act requiring performance of a criminal history check of applicants for real estate broker and salesperson licenses.

Read first time and **passed on file**.

[Senate File 323](#), by committee on judiciary, a bill for an act establishing a uniform mediation Act.

Read first time and referred to committee on **judiciary**.

[Senate File 335](#), by committee on business and labor relations, a bill for an act relating to access to dependent adult abuse information and unemployment compensation claims.

Read first time and **passed on file.**

[Senate File 345](#), by committee on judiciary, a bill for an act relating to the reinstatement of a person's driver's license or nonresident operating privilege following a criminal action in an operating-while-intoxicated case resulting from the same circumstances that resulted in the administrative revocation being challenged in which the court found that the peace officer did not have reasonable grounds to administer a chemical test or that the chemical test was otherwise inadmissible or invalid.

Read first time and referred to committee on **judiciary.**

[Senate File 353](#), by committee on natural resources and environment, a bill for an act relating to apparel worn while hunting upland game birds.

Read first time and referred to committee on **natural resources.**

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 16, 2005, adopted the following resolution in which the concurrence of the House is asked:

[Senate Joint Resolution 6](#), a joint resolution authorizing the temporary use and consumption of wine in the State Capitol in conjunction with the awards ceremony of the World Food Prize Foundation

Also: That the Senate has on March 16, 2005, adopted the following resolution in which the concurrence of the House is asked:

[Senate Joint Resolution 7](#), a joint resolution authorizing the temporary use and consumption of wine and beer in the State Capitol in conjunction with the 2005 National Governors Association Annual Meeting.

Also: That the Senate has on March 16, 2005, passed the following bill in which the concurrence of the House is asked:

[Senate File 346](#), a bill for an act appropriating federal funds made available from federal block grants and other federal grants, allocating portions of federal block grants, and providing procedures if federal funds are more or less than anticipated or if federal block grants are more or less than anticipated.

MICHAEL E. MARSHALL, Secretary

[House File 419](#), a bill for an act relating to free resident landowner deer and turkey hunting licenses, was taken up for consideration.

Gaskill of Wapello offered amendment [H-1049](#) filed by her as follows:

[H-1049](#)

- 1 Amend [House File 419](#) as follows:
- 2 1. Page 1, by inserting before line 1, the
- 3 following:
- 4 "Sec.____. NEW SECTION. 483A.23A FOREST
- 5 RESERVATIONS – PUBLIC HUNTING ACCESS.
- 6 On and after January 1, 2006, a nonresident owner
- 7 of land in this state making application for a tax
- 8 exemption for a forest reservation pursuant to section
- 9 427C.3 shall agree to allow public access for walk-in
- 10 hunting on the forest reservation during the period of
- 11 tax exemption."
- 12 2. Title page, line 1, by inserting after the
- 13 words "relating to" the following: "public hunting on
- 14 forest reservations and".

Rasmussen of Buchanan rose on a point of order that amendment [H-1049](#) was not germane.

The Speaker ruled the point well taken and amendment [H-1049](#) not germane.

Thomas of Clayton asked and received unanimous consent to withdraw amendment [H-1037](#) filed by him on March 1, 2005.

Rasmussen of Buchanan moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 419](#))

The ayes were, 94:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar

Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Freeman
Frevert	Gaskill	Gipp	Granzow
Greiner	Heaton	Hoffman	Hogg
Horbach	Hunter	Huseman	Huser
Hutter	Jacobs	Jacoby	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Zirkelbach	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 6:

Fallon	Foege	Ford	Heddens
Jenkins	Taylor, D.		

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

Appropriations Calendar

House File 162, a bill for an act relating to an appropriation from the environment first fund for the establishment of permanent soil and water conservation practices, by allocating moneys to support the administration of local governmental units, and providing an effective date, was taken up for consideration.

De Boef of Keokuk offered the following amendment [H-1072](#) filed by her and moved its adoption:

[H-1072](#)

- 1 Amend [House File 162](#) as follows:
- 2 1. Page 1, by inserting before line 1, the
- 3 following:

4 "Sec. ____ NEW SECTION. 170.3A CHRONIC WASTING
5 DISEASE CONTROL PROGRAM – FEES.

6 1. The department shall establish and administer a
7 chronic wasting disease control program for the
8 control of chronic wasting disease which threatens
9 farm deer. The program may include procedures for the
10 inspection and testing of farm deer, responses to
11 reported cases of chronic wasting disease, and methods
12 to ensure that owners of farm deer may engage in the
13 movement and sale of farm deer.

14 2. Beginning on July 1, 2006, a chronic wasting
15 disease control fee is imposed on landowners who
16 maintain farm deer in this state. The fee shall be
17 established by rules adopted by the department in an
18 amount which will generate total revenue not exceeding
19 an amount which is reasonable and necessary to
20 administer the chronic wasting disease control
21 program.

22 Sec. ____ NEW SECTION. 170.3B FARM DEER
23 ADMINISTRATION FUND – APPROPRIATION.

24 1. A farm deer administration fund is created in
25 the state treasury under the control of the
26 department. The fund is composed of moneys
27 appropriated by the general assembly and moneys
28 available to and obtained or accepted by the
29 department from the United States or private sources
30 for placement in the fund. The fund shall include all
31 moneys collected from the chronic wasting disease
32 control fee as provided in section 170.3A. The moneys
33 in the fund are appropriated exclusively to the
34 department for purposes of administering the chronic
35 wasting disease control program as provided in section
36 170.3A.

37 2. Moneys in the fund are subject to an annual
38 audit by the auditor of state. The fund is subject to
39 warrants written by the director of the department of
40 administrative services, drawn upon the written
41 requisition of the department.

42 3. Section 8.33 shall not apply to moneys in the
43 fund. Notwithstanding section 12C.7, moneys earned as
44 income or interest from the fund shall remain in the
45 fund until expended as provided in this section."

46 2. Page 1, by inserting after line 12, the
47 following:

48 "() Of the amount appropriated in this
49 paragraph "f", \$127,000 shall be deposited into the
50 farm deer administration fund created in section

Page 2

1 170.3B for purposes of administering the chronic
2 wasting disease control program as provided in section
3 170.3A."

4 3. Page 1, by inserting after line 17 the
5 following:
6 "Sec.____. REPORTING. A soil and water
7 conservation district receiving moneys from an
8 allocation provided in this Act shall submit a report
9 to the soil conservation division of the department of
10 agriculture and land stewardship by January 1, 2006,
11 accounting for moneys which have been expended or
12 unexpended or which have been obligated or encumbered.
13 The report shall state how the moneys were used."
14 4. By renumbering, redesignating, and correcting
15 internal references as necessary.

Amendment [H-1072](#) was adopted.

[SENATE FILE 71](#) SUBSTITUTED FOR [HOUSE FILE 162](#)

De Boef of Keokuk asked and received unanimous consent to substitute [Senate File 71](#) for [House File 162](#).

[Senate File 71](#), a bill for an act relating to an appropriation from the environment first fund for the establishment of permanent soil and water conservation practices, by allocating moneys to support the administration of local governmental units, and providing an effective date, was taken up for consideration.

De Boef of Keokuk offered the following amendment [H-1073](#) filed by her and moved its adoption:

[H-1073](#)

1 Amend [Senate File 71](#), as amended, passed, and
2 reprinted by the Senate, as follows:
3 1. Page 1, by striking lines 1 through 35.
4 2. Page 2, by striking lines 13 through 17.
5 3. By renumbering, redesignating, and correcting
6 internal references as necessary.

Amendment [H-1073](#) was adopted.

De Boef of Keokuk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 71](#))

The ayes were, 97:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Freeman	Frevert	Gaskill
Gipp	Granzow	Greiner	Heaton
Hoffman	Hogg	Horbach	Hunter
Huseman	Huser	Hutter	Jacobs
Jacoby	Jenkins	Jochum	Jones
Kaufmann	Kressig	Kuhn	Kurtenbach
Lalk	Lensing	Lukan	Lykam
Maddox	Mascher	May	McCarthy
Mertz	Miller	Murphy	Oldson
Olson, D.	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Schueller
Shomshor	Shoultz	Smith	Soderberg
Struyk	Swaim	Taylor, T.	Thomas
Tjepkes	Tomenga	Tymeson	Upmeyer
Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Wilderdyke	Winckler	Wise	Zirkelbach
Mr. Speaker			
Rants			

The nays were, none.

Absent or not voting, 3:

Ford	Heddens	Taylor, D.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

HOUSE FILE 180 WITHDRAWN

Rasmussen of Buchanan asked and received unanimous consent to withdraw House File 180 from further consideration by the House.

Regular Calendar

House File 584, a bill for an act relating to the disposal of personal property after entry of a judgment for forcible entry and detainer, was taken up for consideration.

Kaufmann of Cedar offered the following amendment [H-1081](#) filed by him and moved its adoption:

[H-1081](#)

- 1 Amend [House File 584](#) as follows:
- 2 1. Page 1, line 12, by inserting after the figure
- 3 "~~2.~~" the following: "a."
- 4 2. Page 1, line 18, by striking the figure and
- 5 words "3. This section" and inserting the following:
- 6 "b. This subsection".
- 7 3. Page 1, by inserting after line 19 the
- 8 following:
- 9 "c. The duties of the sheriff executing the
- 10 judgment shall not be satisfied until all of the
- 11 defendant's personal property has been removed from
- 12 the premises pursuant to this subsection."

Amendment [H-1081](#) was adopted.

Kaufmann of Cedar moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 584](#))

The ayes were, 95:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Foege
Freeman	Frevert	Gaskill	Gipp
Granzow	Greiner	Heaton	Hoffman
Hogg	Horbach	Huseman	Huser
Hutter	Jacobs	Jacoby	Jenkins
Jochum	Jones	Kaufmann	Kressig
Kuhn	Kurtenbach	Lalk	Lensing
Lukan	Lykam	Maddox	Mascher
May	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Olson, S.	Paulsen	Petersen	Pettengill
Quirk	Raecker	Rasmussen	Rayhons
Reasoner	Reichert	Roberts	Sands
Schickel	Schueller	Shomshor	Shoultz
Smith	Soderberg	Struyk	Swaim
Taylor, T.	Thomas	Tjepkes	Tomenga

Tymeson	Upmeyer	Van Engelenhoven	Van Fossen, J.K.
Van Fossen, J.R.	Watts	Wendt	Wessel-Kroeschell
Whitaker	Whitead	Wilderdyke	Winckler
Wise	Zirkelbach	Mr. Speaker	
		Rants	

The nays were, 2:

Fallon Hunter

Absent or not voting, 3:

Ford Heddens Taylor, D.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

[HOUSE FILE 207](#) WITHDRAWN

Kaufmann of Cedar asked and received unanimous consent to withdraw [House File 207](#) from further consideration by the House.

[HOUSE FILE 162](#) WITHDRAWN

De Boef of Keokuk asked and received unanimous consent to withdraw [House File 162](#) from further consideration by the House.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 419, 584** and [Senate File 71](#).

[House File 624](#), a bill for an act providing for the regulation of livestock moved into this state, including by requiring certain certificates and making penalties applicable, was taken up for consideration.

Frevert of Palo Alto offered amendment [H-1078](#) filed by Frevert, et al., as follows:

[H-1078](#)

- 1 Amend [House File 624](#) as follows:
- 2 1. Page 1, line 18, by striking the word

- 3 "FEMALE".
 4 2. Page 1, line 19, by striking the word
 5 "female".
 6 3. Page 1, line 21, by inserting after the word
 7 "older" the following: ", and the foreign country is
 8 designated by the department of agriculture and land
 9 stewardship as a threat to this state's health and
 10 welfare if cattle are moved into this state from that
 11 foreign country. The department's designation may be
 12 based on a foreign country's classification as a
 13 minimal risk region, if provided by rules adopted by
 14 the United States department of agriculture".
 15 4. Page 1, line 22, by striking the word
 16 "female".
 17 5. Page 1, line 23, by inserting before the word
 18 "foreign" the following: "designated".
 19 6. Page 1, line 24, by striking the word
 20 "female".
 21 7. Page 1, line 26, by striking the word
 22 "female".

Frevert of Palo Alto offered the following amendment [H-1088](#), to amendment [H-1078](#), filed by her from the floor and moved its adoption:

[H-1088](#)

- 1 Amend the amendment, [H-1078](#), to [House File 624](#) as
 2 follows:
 3 1. Page 1, by striking lines 2 through 22, and
 4 inserting the following:
 5 "____. Page 1, by striking lines 17 through 30."
 6 2. By renumbering as necessary.

Amendment [H-1088](#) was adopted.

On motion by Frevert of Palo Alto amendment [H-1078](#), as amended, was adopted.

Greiner of Washington moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 624](#))

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta

Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Zirkelbach	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Heddens Taylor, D.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

[HOUSE FILE 328](#) WITHDRAWN

Greiner of Washington asked and received unanimous consent to withdraw [House File 328](#) from further consideration by the House.

MESSAGES FROM THE SENATE

The following messages were received from the Senate:

Mr. Speaker: I am directed to inform your honorable body that the Senate has on March 16, 2005, adopted the following resolution in which the concurrence of the House is asked:

[Senate Concurrent Resolution 5](#), a concurrent resolution urging the United States Congress to appropriate funding for the Historic Barn Preservation Act.

Also: That the Senate has on March 16, 2005, adopted the conference committee report and passed [Senate File 169](#), a bill for an act relating to the regulation of substances which are precursors to amphetamine and methamphetamine and providing a penalty and effective dates.

Also: That the Senate has on March 16, 2005, passed the following bill in which the concurrence of the House is asked:

[Senate File 342](#), a bill for an act relating to appropriation matters by making and increasing appropriations for the fiscal year beginning July 1, 2004, and providing effective and applicability date provisions.

MICHAEL E. MARSHALL, Secretary

[House File 644](#), a bill for an act relating to elections and voter registration by prohibiting the processing of certain voter registration applications, allowing certain voter registrations to be submitted after the deadline, removing the requirement for separate entrances to buildings where polling places for more than one precinct are located, relating to use of voting machines or paper ballots at certain elections, requiring names of candidates for nonpartisan office to be printed on the ballot in alphabetical order, relating to information printed on a certain portion of the ballot, modifying opening hours of the polls at certain elections, allowing the voter's declaration of eligibility to be printed on the election register, relating to the abstract of votes for county offices, relating to appointment of observers present when ballots are counted, allowing absentee voting at the commissioner's office for part of the day of the election for certain elections, requiring the registered voter's date of birth on the absentee ballot application, clarifying that certain confined persons may vote an absentee ballot in person at the commissioner's office, changing the deadline for challenging an absentee voter's qualifications, relating to persons nominated for city office by write-in votes, repealing the provisions declaring it unlawful for an absentee voter to fail to return the voter's absentee ballot, and including an applicability date provision, was taken up for consideration.

Gaskill of Wapello offered the following amendment [H-1067](#) filed by her and Wendt of Woodbury and moved its adoption:

[H-1067](#)

- 1 Amend [House File 644](#) as follows:
- 2 1. By striking everything after the enacting
- 3 clause and inserting the following:

4 "DIVISION I
5 GENERAL PROVISIONS RELATING
6 TO CONDUCT OF ELECTIONS
7 Section 1. Section 43.6, subsection 2, Code 2005,
8 is amended to read as follows:
9 2. When a vacancy occurs in the office of county
10 supervisor or any of the offices listed in section
11 39.17 and more than seventy days remain in the term of
12 office following the next general election, the office
13 shall be filled for the balance of the unexpired term
14 at that general election unless the vacancy has been
15 filled by a special election called more than seventy-
16 three days before the primary election. If the
17 vacancy occurs more than seventy-three days before the
18 primary election, political party candidates for that
19 office at the next general election shall be nominated
20 at the primary election. If an appointment to fill
21 the vacancy in office is made eighty-eight or more
22 days before the primary election and a petition
23 requesting a special election has not been received
24 within fourteen days after the appointment is made,
25 candidates for the office shall be nominated at the
26 primary election.
27 Sec. 2. Section 43.14, Code 2005, is amended to
28 read as follows:
29 43.14 FORM OF NOMINATION PAPERS.
30 1. Nomination papers shall include a petition and
31 an affidavit of candidacy. All nomination petitions
32 shall be eight and one-half by eleven inches in size
33 and in substantially the form prescribed by the state
34 commissioner of elections. They shall include or
35 provide spaces for the following information:
36 a. A statement identifying the signers of the
37 petition as eligible electors of the appropriate
38 county or legislative district and of the state.
39 b. The name of the candidate nominated by the
40 petition.
41 c. For nomination petitions for candidates for the
42 general assembly, a statement that the residence of
43 the candidate is within the appropriate legislative
44 district, or if that is not true, that the candidate
45 will reside there within sixty days before the
46 election. For other offices, a statement of the name
47 of the county where the candidate resides.
48 d. The political party with which the candidate is
49 a registered voter.
50 e. The office sought by the candidate, including

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1 the district number, if any.
2 f. The date of the primary election for which the

3 candidate is nominated.

4 2. Signatures on a petition page shall be counted
5 only if the required information required in
6 subsection 1 is written or printed at the top of the
7 page. Nomination papers on behalf of candidates for
8 seats in the general assembly need only designate the
9 number of the senatorial or representative district,
10 as appropriate, and not the county or counties, in
11 which the candidate and the petitioners reside. A
12 signature line shall not be counted if the line lacks
13 the signature of the eligible elector and the signer's
14 address and city. The person examining the petition
15 shall mark any deficiencies on the petition and
16 affidavit. A signature line shall not be counted if
17 the signer's address is obviously outside the
18 boundaries of the district.

19 ~~2.~~ 3. The person examining the petition shall
20 mark any deficiencies on the petition and affidavit.

21 Signed nomination petitions and the signed and
22 notarized affidavit of candidacy shall not be altered
23 to correct deficiencies noted during examination. If
24 the nomination petition lacks a sufficient number of
25 acceptable signatures, the nomination petition shall
26 be rejected and shall be returned to the candidate.

27 4. The nomination papers shall be rejected if the
28 affidavit lacks any of the following:

- 29 a. The candidate's name.
- 30 b. The name of the office sought, including the
- 31 district, if any.
- 32 c. The political party name.
- 33 d. The signature of the candidate.

34 e. The signature of a notary public or other
35 officer empowered to witness oaths.

36 5. The candidate may replace a deficient affidavit
37 with a corrected affidavit only if the replacement
38 affidavit is filed before the filing deadline. The
39 candidate may resubmit a nomination petition that has
40 been rejected by adding a sufficient number of pages
41 or signatures to correct the deficiency. A nomination
42 petition and affidavit filed to replace rejected
43 nomination papers shall be filed together before the
44 deadline for filing.

45 Sec. 3. Section 45.5, Code 2005, is amended to
46 read as follows:

47 45.5 FORM OF NOMINATION PAPERS.

48 1. Nomination papers shall include a petition and
49 an affidavit of candidacy. All nomination petitions
50 shall be eight and one-half by eleven inches in size

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1 and shall be in substantially the form prescribed by

2 the state commissioner of elections. They shall
3 provide spaces for the following information:
4 a. A statement identifying the signers of the
5 petition as eligible electors of the appropriate ward,
6 city, county, school district or school district
7 director district, or legislative district and of the
8 state of Iowa.
9 b. The name of the candidate nominated by the
10 petition.
11 c. A statement that the candidate is or will be a
12 resident of the appropriate ward, city, county, school
13 district, or legislative or other district as required
14 by section 39.27.
15 d. The office sought by the candidate, including
16 the district number, if any.
17 e. The name and date of the election for which the
18 candidate is nominated.
19 2. Signatures on a petition page shall be counted
20 only if the ~~required~~ information required in
21 subsection 1 is written or printed at the top of the
22 page. Nomination papers on behalf of candidates for
23 seats in the general assembly need only designate the
24 number of the senatorial or representative district,
25 as appropriate, and not the county or counties, in
26 which the candidate and the petitioners reside. A
27 signature line in a nomination petition shall not be
28 counted if the line lacks the signature of the
29 eligible elector and the signer's address and city.
30 ~~The person examining the petition shall mark any~~
31 ~~deficiencies on the petition. A signature line shall~~
32 ~~not be counted if the signer's address is obviously~~
33 ~~outside the boundaries of the appropriate ward, city,~~
34 ~~school district or school district director district,~~
35 ~~or other district.~~
36 ~~2.~~ 3. The pages of the petition shall be securely
37 fastened together to form a single bundle. Nomination
38 petitions that are not bound shall be returned without
39 further examination. The state commissioner shall
40 prescribe by rule the acceptable methods for binding
41 nomination petitions.
42 ~~3.~~ 4. The person examining the petition shall
43 mark any deficiencies on the petition. Signed
44 nomination petitions and the signed and notarized
45 affidavit of candidacy shall not be altered to correct
46 deficiencies noted during the examination. If the
47 nomination petition lacks a sufficient number of
48 acceptable signatures, the nomination papers shall be
49 rejected and returned to the candidate.
50 5. The nomination papers shall be rejected if the

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1 affidavit lacks any of the following:

- 2 a. The candidate's name.
- 3 b. The name of the office sought, including the
- 4 district, if any.
- 5 c. The signature of the candidate.
- 6 d. The signature of a notary public or other
- 7 officer empowered to witness oaths.

8 6. The candidate may replace a deficient affidavit
9 with a corrected one only if the replacement is filed
10 before the filing deadline. The candidate may
11 resubmit a nomination petition that has been rejected
12 by adding a sufficient number of pages or signatures
13 to correct the deficiency. A nomination petition and
14 affidavit filed to replace rejected nomination papers
15 shall be filed together before the deadline for
16 filing.

17 Sec. 4. Section 45.6, subsection 3, Code 2005, is
18 amended to read as follows:

19 3. All signers, for all nominations, of each
20 separate part of a nomination petition, shall reside
21 in the appropriate ward, city, county, school
22 district, ~~or~~ legislative district, or other district
23 as required by section 45.1.

24 Sec. 5. Section 49.10, subsection 4, Code 2005, is
25 amended to read as follows:

26 4. ~~No~~ A single room or area of any building or
27 facility ~~shall~~ may be fixed as the polling place for
28 more than one precinct ~~unless there are separate~~
29 ~~entrances each.~~ The location of each polling place
30 shall be clearly marked within the room or area on the
31 days on which elections are held as the ~~entrance to~~
32 location of the polling place of a particular
33 precinct, and suitable arrangements ~~are~~ shall be made
34 within the room or area to prevent direct access from
35 the polling place of any precinct to the polling place
36 of any other precinct. When the commissioner has
37 fixed such a polling place for any precinct it shall
38 remain the polling place at all subsequent elections,
39 except elections for which the precinct is merged with
40 another precinct as permitted by section 49.11, until
41 the boundaries of the precinct are changed or the
42 commissioner fixes a new polling place, except that
43 the polling place shall be changed to a point within
44 the boundaries of the precinct at any time not less
45 than sixty days before the next succeeding election
46 that a building or facility suitable for such use
47 becomes available within the precinct.

48 Sec. 6. Section 49.14, subsection 1, Code 2005, is
49 amended to read as follows:

50 1. The commissioner may appoint substitute

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1 precinct election officials as alternates for election
2 board members. ~~A majority of the original election~~
3 ~~board members shall be present at the precinct polling~~
4 ~~place at all times; However, at partisan elections~~
5 ~~such the majority of election board members at the '~~
6 ~~precinct polling place~~ shall include at least one
7 precinct election official from each political party.
8 ~~If the chairperson leaves the polling place, the~~
9 ~~chairperson shall designate another member of the~~
10 ~~board to serve as chairperson until the chairperson~~
11 ~~returns.~~ The responsibilities and duties of a
12 precinct election official, other than the
13 chairperson, present at the time the polling place was
14 opened on the day of an election may be assumed at any
15 later time that day by a substitute appointed as an
16 alternate. The substitute shall serve either for the
17 balance of that election day or for any shorter period
18 of time the commissioner may designate.

19 Sec. 7. Section 49.31, subsection 2, unnumbered
20 paragraph 2, Code 2005, is amended to read as follows:
21 On the general election ballot the names of
22 candidates for the nonpartisan offices listed in
23 section 39.21 shall be arranged by drawing lots for
24 position in alphabetical order by surname under the
25 heading of the office to be filled. The board of
26 supervisors shall hold the drawing at its first
27 meeting following the deadline for receipt of
28 objections and withdrawals by candidates for the
29 general election.

30 Sec. 8. Section 49.57, subsections 2 and 3, Code
31 2005, are amended to read as follows:
32 2. In the area of the general election ballot for
33 straight party voting, the party or organization names
34 shall be printed in capital upper case and lower case
35 letters of using a uniform font size, in for each
36 political party or nonparty political organization.
37 The font size shall be not less than twelve point
38 type. After the name of each candidate for a partisan
39 office the name of the candidate's political party
40 shall be printed in at least six point type. The
41 names of political parties and nonparty political
42 organizations may be abbreviated on the remainder of
43 the ballot if both the full name and the abbreviation
44 appear in the "Straight Party" and "Other Political
45 Party" areas of the ballot.

46 3. The names of candidates shall be printed in
47 capital upper case and lower case letters, ~~of using a~~
48 uniform font size throughout the ballot, ~~in.~~ The font
49 size shall be not less than ten point type.

50 Sec. 9. Section 49.57, Code 2005, is amended by

Page 6

1 adding the following new subsection:
 2 NEW SUBSECTION. 3A. In no case shall the font
 3 size for public measures, constitutional amendments,
 4 and constitutional convention questions, and summaries
 5 thereof, be less than ten point type.
 6 Sec. 10. Section 49.57, subsection 5, Code 2005,
 7 is amended to read as follows:
 8 5. A portion of the ballot, which can be shown to
 9 the precinct officials without revealing any of the
 10 marks made by the voter, shall include the words
 11 "Official ballot", ~~a designation of the ballot~~
 12 ~~rotation, if any~~ the unique identification number or
 13 name assigned by the commissioner to the ballot style,
 14 the date of the election, and a facsimile of the
 15 signature of the commissioner who has caused the
 16 ballot to be printed pursuant to section 49.51.
 17 Sec. 11. Section 49.73, subsection 1, paragraph e,
 18 Code 2005, is amended to read as follows:
 19 e. ~~The~~ Any election conducted for the
 20 ~~unincorporated area of any a county voting on a local~~
 21 ~~option sales and services tax pursuant to section~~
 22 ~~423B.1.~~
 23 Sec. 12. Section 49.77, subsections 1 and 2, Code
 24 2005, are amended to read as follows:
 25 1. The board members of their respective precincts
 26 shall have charge of the ballots and furnish them to
 27 the voters. Any person desiring to vote shall sign a
 28 voter's declaration provided by the officials, in
 29 substantially the following form:
 30 VOTER'S DECLARATION OF ELIGIBILITY
 31 I do solemnly swear or affirm that I am a resident
 32 of the precinct, ward or township, city of
 33, county of, Iowa.
 34 I am a registered voter. I have not voted and will
 35 not vote in any other precinct in said election.
 36 I understand that any false statement in this
 37 declaration is a criminal offense punishable as
 38 provided by law.
 39
 40 Signature of Voter
 41
 42 Address
 43
 44 Telephone
 45 Approved:
 46
 47 Board Member
 48 At the discretion of the commissioner, this
 49 declaration may be printed on each page of the
 50 election register and the voter shall sign the

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1 election register next to the voter's printed name.
2 The voter's signature in the election register shall
3 be considered the voter's signed declaration of
4 eligibility affidavit. The state commissioner of
5 elections shall prescribe by rule an alternate method
6 for providing the information in subsection 2 for
7 those counties where the declaration of eligibility is
8 printed in the election register.

9 2. One of the precinct election officials shall
10 announce the voter's name aloud for the benefit of any
11 persons present pursuant to section 49.104, subsection
12 2, 3, or 5. ~~Any~~ If the declaration of eligibility is
13 not printed on each page of the election register, any
14 of those persons may upon request view the signed
15 declarations of eligibility and may review the signed
16 declarations on file so long as the person does not
17 interfere with the functions of the precinct election
18 officials. If the declaration of eligibility is
19 printed on the election register, the precinct
20 election official shall make available for viewing a
21 listing of those voters who have signed declarations
22 of eligibility. Any of those persons present pursuant
23 to section 49.104, subsection 2, 3, or 5, may upon
24 request view the listing of those voters who have
25 signed declarations of eligibility, so long as the
26 person does not interfere with the functions of the
27 precinct election officials.

28 Sec. 13. Section 49.79, Code 2005, is amended to
29 read as follows:

30 49.79 CHALLENGES.

31 1. Any person offering to vote may be challenged
32 as unqualified by any precinct election official or
33 registered voter. It is the duty of each official to
34 challenge any person offering to vote whom the
35 official knows or suspects is not duly qualified. A
36 ballot shall be received from a voter who is
37 challenged, but only in accordance with section 49.81.

38 2. A person may be challenged for any of the
39 following reasons:

40 a. The challenged person is not a citizen of the
41 United States.

42 b. The challenged person is less than eighteen
43 years of age as of the date of the election at which
44 the person is offering to vote.

45 c. The challenged person is not a resident at the
46 address where the person is registered. However, a
47 person who is reporting a change of address at the
48 polls on election day pursuant to section 48A.27,
49 subsection 2, paragraph "a", subparagraph (3) shall
50 not be challenged for this reason.

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1 d. The challenged person is not a resident of the
2 precinct where the person is offering to vote.

3 e. The challenged person has falsified information
4 on the person's registration form or on the person's
5 declaration of eligibility.

6 f. The challenged person has been convicted of a
7 felony, and the person's voting rights have not been
8 restored.

9 g. The challenged person has been adjudged by a
10 court of law to be a person who is incompetent to vote
11 and no subsequent proceeding has reversed that
12 finding.

13 Sec. 14. Section 50.16, Code 2005, is amended to
14 read as follows:

15 50.16 TALLY LIST OF BOARD.

16 The tally list shall be prepared in writing by the
17 election board giving, in legibly printed numerals,
18 the total number of people who cast ballots in the
19 precinct, the total number of ballots cast for each
20 ~~office~~ office, except those rejected, the name of
21 each person voted for, and the number of votes given
22 to each person for each different office. The tally
23 list shall be signed by the precinct election
24 officials, and be substantially as follows:

25 At an election at in township, or in
26 precinct of city or township, in county,
27 state of Iowa, on the ... day of ~~A.D.~~ .., there
28 were ... ballots cast for the office of of which
29 (Candidate's name) had .. votes.
30 (Candidate's name) had .. votes.
31 (and in the same manner for any other officer).

32 A true tally list:

33 (Name) Election Board

34 (Name) Members.

35 (Name)

36 Attest:

37 (Name) Designated

38 (Name) Tally Keepers.

39 Sec. 15. Section 50.25, subsection 7, Code 2005,
40 is amended by striking the subsection.

41 Sec. 16. Section 50.25, Code 2005, is amended by
42 adding the following new unnumbered paragraph:
43 NEW UNNUMBERED PARAGRAPH. The abstract of the
44 votes for each county office is not required to be
45 made on a different sheet.

46 Sec. 17. Section 52.25, unnumbered paragraph 2,
47 Code 2005, is amended to read as follows:

48 The entire convention question, amendment, or
49 public measure shall be printed and displayed
50 prominently in at least four places within the voting

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1 precinct, and inside each voting booth, or on the
2 left-hand side inside the curtain of each voting
3 machine, the printing to be in conformity with the
4 provisions of chapter 49. The question, amendment, or
5 measure, and summaries thereof, shall be printed on
6 the special paper ballots or on the inserts used in
7 the voting machines. In no case shall the font size
8 be less than ten point type. The public measure shall
9 be summarized by the commissioner ~~and in the largest~~
10 ~~type possible printed on the special paper ballots or~~
11 ~~inserts used in the voting machines,~~ except that:

12 Sec. 18. Section 376.11, unnumbered paragraphs 1
13 and 2, Code 2005, are amended to read as follows:

14 Write-in votes are permitted to be cast in all
15 elections for city offices. A person who receives a
16 sufficient number of write-in votes to be elected to a
17 city office shall be declared the winner of the
18 election. If a person who was elected by write-in
19 votes chooses not to serve in that office the person
20 shall submit a resignation in writing to the city
21 clerk not later than five o'clock p.m. on the tenth
22 day following the canvass of the election. If a
23 person who was elected by write-in votes resigns at a
24 later time, the office shall be considered vacant at
25 the end of the term and the council shall fill the
26 vacancy pursuant to the provisions of section 372.13,
27 subsection 2.

28 Except in cities where the council has chosen a
29 runoff election in lieu of a primary, following the
30 resignation of a person who was elected by write-in
31 votes, the city clerk shall notify the person who
32 received the next highest number of votes cast for the
33 office that the person may assume the office. If the
34 person accepts the position, the person shall be
35 considered the duly elected officer unless, within ten
36 days after the clerk has given notice, a petition
37 requesting a special election is filed by eligible
38 electors of the city equal in number to twenty-five
39 percent of the number of persons who voted for the
40 office at the election. If the person declines, the
41 person shall do so in writing to the city clerk within
42 ten days and the office shall be considered vacant at
43 the end of the term. The vacancy shall be filled
44 pursuant to the provisions of section 372.13,
45 subsection 2. If the council chooses to appoint, the
46 appointment may be made before the end of the current
47 term.

48 Sec. 19. EFFECTIVE AND APPLICABILITY DATES.

49 1. The section of this division of this Act
50 amending section 49.77, being deemed of immediate

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1 importance, takes effect upon enactment and applies to
2 elections held on or after that date.

3 2. The remainder of this division of this Act
4 applies to elections held on or after January 1, 2006.

5 DIVISION II

6 ABSENTEE VOTING

7 Sec. 20. Section 39A.4, subsection 1, paragraph c,
8 subparagraphs (10), (11), and (12), Code 2005, are
9 amended to read as follows:

10 (10) As an incumbent officeholder of, or a
11 candidate for, an office being voted for at the
12 election in progress, serving as a member of a
13 challenging committee or observer under section
14 49.104, subsection 2, 5, or 6, or section 53.23,
15 subsection 4.

16 (11) Returning a voted absentee ballot, by mail or
17 in person, to the commissioner's office and the person
18 returning the ballot is not the voter, an immediate
19 family member of the voter, an absentee ballot
20 courier, a special precinct election official
21 designated pursuant to section 53.22, subsection 1, or
22 the designee of a voter described in section 53.22,
23 subsection 5.

24 (12) Making a false or untrue statement reporting
25 that a voted absentee ballot was returned to the
26 commissioner's office, by mail or in person, by a
27 person other than the voter, an immediate family
28 member of the voter, an absentee ballot courier, a
29 special precinct election official designated pursuant
30 to section 53.22, subsection 1, or the designee of a
31 voter described in section 53.22, subsection 5.

32 Sec. 21. Section 39A.5, subsection 1, paragraph b,
33 subparagraph (2), Code 2005, is amended to read as
34 follows:

35 ~~(2) Neglecting or refusing to return an absentee~~
36 ~~ballot in violation of section 53.35, or violating~~
37 Violating any other provision of chapter 53 for which
38 another penalty is not provided.

39 Sec. 22. Section 49.63, Code 2005, is amended to
40 read as follows:

41 49.63 TIME OF PRINTING – INSPECTION AND
42 CORRECTION.

43 Ballots shall be printed and in the possession of
44 the commissioner in time to enable the commissioner to
45 furnish ballots to absent voters as provided by
46 sections 53.8, 53.10, and 53.11. The printed ballots
47 shall be subject to the inspection of candidates and
48 their agents. If mistakes are discovered, they shall
49 be corrected without delay, in the manner provided in
50 this chapter.

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1 Sec. 23. Section 53.2, subsections 1 and 4, Code
2 2005, are amended to read as follows:

3 1. Any registered voter, under the circumstances
4 specified in section 53.1, may on any day, except
5 election day, and not more than seventy days prior to
6 the date of the election, apply in person for an
7 absentee ballot at the commissioner's office or at any
8 location designated by the commissioner. However, for
9 those elections in which the commissioner directs the
10 polls be opened at noon pursuant to section 49.73, a
11 voter may apply in person for an absentee ballot at
12 the commissioner's office from eight a.m. until eleven
13 a.m. on election day.

14 PARAGRAPH DIVIDED. A registered voter may make
15 written application to the commissioner for an
16 absentee ballot. A written application for an
17 absentee ballot must be received by the commissioner
18 no later than five p.m. on the Friday before the
19 election. A written application for an absentee
20 ballot delivered to the commissioner and received by
21 the commissioner more than seventy days prior to the
22 date of the election shall be retained by the
23 commissioner and processed in the same manner as a
24 written application received not more than seventy
25 days before the date of the election. However, in a
26 general election year, if an application for an
27 absentee ballot for the general election is received
28 on or before primary election day, the commissioner
29 shall return the application to the voter and shall
30 enclose a notice stating that the application may not
31 be submitted until after the primary election.

32 4. Each application shall contain the name and
33 signature of the registered voter, the registered
34 voter's date of birth, the address at which the voter
35 is registered to vote, and the name or date of the
36 election for which the absentee ballot is requested,
37 and such other information as may be necessary to
38 determine the correct absentee ballot for the
39 registered voter. If insufficient information has
40 been provided, the commissioner shall, by the best
41 means available, obtain the additional necessary
42 information.

43 Sec. 24. Section 53.7, subsection 1, Code 2005, is
44 amended to read as follows:

45 1. It shall be unlawful for any employee of the
46 state or any employee of a political subdivision to
47 solicit any application or request for application for
48 an absentee ballot, or to take an affidavit in
49 connection with any absentee ballot while the employee
50 is on the employer's premises or otherwise in the

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1 course of employment. However, any such employee may
2 take such affidavit in connection with an absentee
3 ballot which is cast by the registered voter in person
4 in the office where such employee is employed in
5 accordance with section 53.10 or 53.11. This
6 subsection shall not apply to any elected official.

7 Sec. 25. Section 53.8, subsection 2, Code 2005, is
8 amended to read as follows:

9 2. If an application is received so late that it
10 is unlikely that the absentee ballot can be returned
11 in time to be counted on election day, the
12 commissioner shall enclose with the absentee ballot a
13 statement to that effect. The statement shall also
14 point out that it is possible for the applicant, an
15 immediate family member of the applicant, or the
16 applicant's designee if the absentee ballot is voted
17 by a voter described in section 53.22, subsection 5,
18 to personally deliver the completed absentee ballot to
19 the office of the commissioner at any time before the
20 closing of the polls on election day. The statement
21 shall also point out that it is possible for an
22 absentee ballot courier to personally deliver the
23 completed absentee ballot to the office of the
24 commissioner within seventy-two hours of retrieving
25 the completed ballot or before the closing of the
26 polls on election day, whichever is earlier.

27 Sec. 26. Section 53.8, subsection 3, unnumbered
28 paragraph 3, Code 2005, is amended to read as follows:

29 Nothing in this subsection nor in section 53.22
30 shall be construed to prohibit a registered voter who
31 is a hospital patient or resident of a health care
32 facility, or who anticipates entering a hospital or
33 health care facility before the date of a forthcoming
34 election, from casting an absentee ballot in the
35 manner prescribed by section 53.10 or 53.11.

36 Sec. 27. Section 53.17, subsection 1, paragraph a,
37 Code 2005, is amended to read as follows:

38 a. The sealed carrier envelope may be delivered by
39 the registered voter, by an immediate family member of
40 the voter, by the special precinct election officials
41 designated pursuant to section 53.22, subsection 1, or
42 by the voter's designee if the absentee ballot is
43 voted by a voter described in section 53.22,
44 subsection 5, to the commissioner's office no later
45 than the time the polls are closed on election day.

46 Sec. 28. Section 53.18, Code 2005, is amended to
47 read as follows:

48 53.18 MANNER OF PRESERVING BALLOT AND APPLICATION.

49 1. Upon receipt of the absentee ballot, the
50 commissioner shall at once record the number appearing

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1 on the application and return carrier envelope and
2 time of receipt of such ballot and attach the
3 elector's application to the unopened envelope.
4 Absentee ballots shall be stored in a secure place
5 until they are delivered to the absentee and special
6 voters precinct board.

7 2. Upon receipt of the return carrier envelope
8 containing the completed absentee ballot, the
9 commissioner shall open the carrier envelope and
10 remove the affidavit envelope to review the affidavit
11 for any deficiencies. If the affidavit contains a
12 deficiency which would cause the ballot to be
13 rejected, the commissioner shall immediately notify
14 the voter of that fact and that the voter may correct
15 the deficiency in the time permitted under section
16 53.17, subsection 2.

17 Sec. 29. Section 53.22, subsection 1, paragraph a,
18 unnumbered paragraph 1, Code 2005, is amended to read
19 as follows:

20 A registered voter who has applied for an absentee
21 ballot, in a manner other than that prescribed by
22 section 53.10 or 53.11, and who is a resident or
23 patient in a health care facility or hospital located
24 in the county to which the application has been
25 submitted shall be delivered the appropriate absentee
26 ballot by two special precinct election officers, one
27 of whom shall be a member of each of the political
28 parties referred to in section 49.13, who shall be
29 appointed by the commissioner from the election board
30 panel for the special precinct established by section
31 53.20. The special precinct election officers shall
32 be sworn in the manner provided by section 49.75 for
33 election board members, shall receive compensation as
34 provided in section 49.20 and shall perform their
35 duties during the ten calendar days preceding the
36 election and on election day if all ballots requested
37 under section 53.8, subsection 3 have not previously
38 been delivered and returned.

39 Sec. 30. Section 53.25, unnumbered paragraph 1,
40 Code 2005, is amended to read as follows:

41 In case the absentee voter's affidavit is found to
42 be insufficient by the special precinct election
43 board, or that the applicant is not a duly registered
44 voter in such precinct, or that the ballot envelope is
45 open, or has been opened and resealed, or that the
46 ballot envelope contains more than one ballot of any
47 one kind, or that said voter has voted in person, such
48 vote shall not be accepted or counted.

49 Sec. 31. Section 53.31, unnumbered paragraph 1,
50 Code 2005, is amended to read as follows:

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1 Any person qualified to vote at the election in
2 progress may challenge the qualifications of a person
3 casting an absentee ballot by submitting a written
4 challenge to the commissioner no later than five p.m.
5 on the ~~day~~ Friday before the election. It is the dut
6 of the special precinct officials to challenge the
7 absentee ballot of any person whom the official knows
8 or suspects is not duly qualified. Challenges by
9 members of the special precinct election board or
10 observers present pursuant to section 53.23 may be
11 made at any time before the close of the polls on
12 election day. The challenge shall state the reasons
13 for which the challenge is being submitted and shall
14 be signed by the challenger. When a challenge is
15 received the absentee ballot shall be set aside for
16 consideration by the special precinct election board
17 when it meets as required by section 50.22.

18 Sec. 32. Section 53.37, Code 2005, is amended to
19 read as follows:

20 53.37 DEFINITIONS.

21 1. This division is intended to implement the
22 federal Uniform and Overseas Citizens Absentee Voting
23 Act, 42 U.S.C. § 1973ff et seq.

24 2. The term "armed forces of the United States",
25 as used in this division, shall mean the army, navy,
26 marine corps, coast guard, and air force of the United
27 States.

28 3. For the purpose of absentee voting only, there
29 shall be included in the term "armed forces of the
30 United States" the following:

31 ~~1.~~ a. Spouses and dependents of members of the
32 armed forces while in active service.

33 ~~2.~~ b. Members of the merchant marine of the
34 United States and their spouses and dependents.

35 ~~3.~~ c. Civilian employees of the United States in
36 all categories serving outside the territorial limits
37 of the several states of the United States and the
38 District of Columbia and their spouses and dependents
39 when residing with or accompanying them, whether or
40 not the employee is subject to the civil service laws
41 and the Classification Act of 1949, and whether or not
42 paid from funds appropriated by the Congress.

43 ~~4.~~ d. Members of religious groups or welfare
44 agencies assisting members of the armed forces, who
45 are officially attached to and serving with the armed
46 forces, and their spouses and dependents.

47 ~~5.~~ e. Citizens of the United States who do not
48 fall under any of the categories described in
49 subsections 1 to 4, but who are entitled to register
50 and vote pursuant to section 48A.5, subsection 4.

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1 4. For the purposes of this division, "qualified
2 voter" means a person who is included within the term
3 "armed forces of the United States" as described in
4 this section, who would be qualified to register to
5 vote under section 48A.5, subsection 2, except for
6 residency, and who is not disqualified from
7 registering to vote and voting under section 48A.6.

8 Sec. 33. Section 53.38, Code 2005, is amended to
9 read as follows:

10 53.38 WHAT CONSTITUTES REGISTRATION.

11 Whenever a ballot is requested pursuant to section
12 53.39 or 53.45 on behalf of a voter in the armed
13 forces of the United States, the affidavit upon the
14 ballot envelope of such voter, if the voter is found
15 to be an eligible elector of the county to which the
16 ballot is submitted, shall constitute a sufficient
17 registration under chapter 48A. A completed federal
18 postcard registration and federal absentee ballot
19 request form submitted by such eligible elector shall
20 also constitute a sufficient registration under
21 chapter 48A. The commissioner shall place the voter's
22 name on the registration record as a registered voter
23 if it does not already appear there. The
24 identification requirements of section 48A.8 and the
25 verification requirements of section 48A.25A do not
26 apply to persons who register to vote under this
27 division.

28 Sec. 34. Section 53.41, Code 2005, is amended to
29 read as follows:

30 53.41 RECORDS BY COMMISSIONER – EXCESS REQUESTS
31 OR BALLOTS.

32 The commissioner of each county shall establish and
33 maintain a record of all requests for ballots which
34 are made, and of all ballots transmitted, and the
35 manner of transmittal, from and received in the
36 commissioner's office under the provisions of this
37 division.

38 PARAGRAPH DIVIDED. If more than one request for
39 absent voter's ballot for a particular election is
40 made to the commissioner before the ballots are ready
41 to mail by or on behalf of a voter in the armed forces
42 of the United States, the last request ~~first~~ received
43 shall be honored, except that if one of the requests
44 is made by the voter, ~~and a request on the voter's~~
45 ~~behalf has not been previously honored,~~ the request of
46 the voter shall be honored in preference to a request
47 made on the voter's behalf by another.

48 PARAGRAPH DIVIDED. Not more than one ballot shall
49 be transmitted by the commissioner to any voter for a
50 particular election unless after the ballot has been

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1 mailed the voter reports a change in the address to
2 which the ballot should be sent. A ballot shall be
3 mailed using a serial number that indicates that this
4 is a replacement sent to an updated address. The
5 original ballot shall be counted only if the
6 replacement ballot does not arrive. If the

7 commissioner receives more than one absent voter's
8 ballot, provided for by this division, from or
9 purporting to be from any one voter for a particular
10 election, all of the ballots so received from or
11 purporting to be from such voter are void, and the
12 commissioner shall not deliver any of the ballots to
13 the precinct election officials, but shall retain them
14 in the commissioner's office, and preserve them for
15 the period and under the conditions provided for in
16 sections 50.12 through 50.15 and section 50.19.

17 Sec. 35. Section 53.44, unnumbered paragraph 2,
18 Code 2005, is amended to read as follows:

19 Absentee ballots issued under this division shall
20 be returned ~~in the same manner~~ either by mail by the
21 voter or a person designated by the voter or by
22 personal delivery by the voter or a person designated
23 by the voter and within the same time limits specified
24 in section 53.17.

25 Sec. 36. Section 53.53, subsection 4, paragraph a,
26 Code 2005, is amended to read as follows:

27 a. The ballot was submitted from within the United
28 States, ~~unless the voter is a member of the armed~~
29 ~~forces of the United States, as described in section~~
30 ~~53.37, subsection 2, on active duty and away from the~~
31 ~~voter's county of residence for purposes of serving on~~
32 ~~active duty.~~

33 Sec. 37. Section 53.53, subsection 4, paragraph b,
34 Code 2005, is amended to read as follows:

35 b. The voter's application for a regular absentee
36 ballot was received by the commissioner less than
37 ~~thirty fourteen~~ days prior to the election.

38 Sec. 38. Section 53.35, Code 2005, is repealed.

39 Sec. 39. APPLICABILITY DATE. This division of
40 this Act applies to elections held on or after January
41 1, 2006.

42 DIVISION III
43 VOTER REGISTRATION

44 Sec. 40. Section 48A.2, Code 2005, is amended by
45 adding the following new subsection:

46 NEW SUBSECTION. 6. "Voter registration list"
47 means a compilation of voter registration records
48 produced, upon request, from the electronic voter
49 registration file or by viewing, upon request, the
50 original, completed voter registration applications

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1 and forms.

2 Sec. 41. Section 48A.11, subsection 8, Code 2005,
3 is amended to read as follows:

4 8. A voter registration application lacking the
5 registrant's name, sex, date of birth, or residence
6 address or description shall not be processed. A
7 voter registration application lacking the
8 registrant's driver's license number, Iowa
9 nonoperator's identification card number, or the last
10 four digits of the registrant's social security number
11 shall not be processed. A voter registration
12 application lacking the registrant's signature shall
13 not be processed. A registrant whose registration is
14 not processed pursuant to this subsection shall be
15 notified pursuant to section 48A.26, subsection 3. A
16 registrant who does not have an Iowa driver's license
17 number, an Iowa nonoperator's identification number,
18 or a social security number and who notifies the
19 registrar of such shall be assigned a unique
20 identifying number that shall serve to identify the
21 registrant for voter registration purposes.

22 Sec. 42. Section 48A.25A, Code 2005, is amended to
23 read as follows:

24 48A.25A VERIFICATION OF VOTER REGISTRATION
25 INFORMATION.

26 Upon receipt of an application for voter
27 registration ~~by mail~~, the state registrar of voters
28 shall compare the driver's license number, the Iowa
29 nonoperator's identification card number, or the last
30 four numerals of the social security number provided
31 by the registrant with the records of the state
32 department of transportation ~~or the social security~~
33 administration. To be verified, the voter
34 registration record shall contain the same name, date
35 of birth, and driver's license number or Iowa
36 nonoperator's identification card number or whole or
37 partial social security number as the records of the
38 state department of transportation ~~or social security~~
39 administration. If the information cannot be
40 verified, the application shall be rejected and the
41 registrant shall be notified of the reason for the
42 rejection. If the information can be verified, a
43 record shall be made of the verification and the
44 application shall be accepted.

45 The voter registration commission shall adopt rules
46 in accordance with chapter 17A to provide procedures
47 for processing registration applications if the ~~state~~
48 ~~department of transportation does not~~, applications
49 cannot be verified before the close of registration
50 for an election for which the voter registration

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1 ~~otherwise~~ would be effective, if verified, ~~provide a~~
2 ~~report that the information on the application has~~
3 ~~matched or not matched the records of the department.~~

4 This section does not apply to persons described in
5 section 53.37 who are entitled to register to vote and
6 to vote pursuant to section 48A.5, subsection 4.

7 Sec. 43. Section 48A.26, subsection 4, Code 2005,
8 is amended to read as follows:

9 4. If the registrant applied by mail to register
10 to vote and did not answer either "yes" or "no" to the
11 question in section 48A.11, subsection 3, paragraph
12 "a", the application shall be processed, ~~but the~~
13 ~~registration shall be designated as valid only for~~
14 ~~elections that do not include candidates for federal~~
15 ~~offices on the ballot.~~ The acknowledgment shall
16 advise the applicant that the ~~status of the~~
17 ~~registration is local and the reason for the~~
18 ~~registration being assigned local status~~ applicant
19 must submit a new form with the appropriate box
20 checked. The commissioner shall enclose a new
21 registration by mail form for the applicant to use.
22 If the original application is received during the
23 twelve days before the close of registration for an
24 election that includes candidates for federal offices
25 on the ballot, the commissioner shall provide the
26 registrant with an opportunity to complete the form
27 before the close of registration.

28 Sec. 44. Section 48A.37, subsection 2, Code 2005,
29 is amended to read as follows:

30 2. Electronic records shall include a status code
31 designating whether the records are active, inactive,
32 ~~local~~, or pending. Inactive records are records of
33 registered voters to whom notices have been sent
34 pursuant to section 48A.28, subsection 3, and who have
35 not returned the card or otherwise responded to the
36 notice, and those records have been designated
37 inactive pursuant to section 48A.29. ~~Local records~~
38 ~~are records of applicants who did not answer either~~
39 ~~"yes" or "no" to the question in section 48A.11,~~
40 ~~subsection 3, paragraph "a".~~ Pending records are
41 records of applicants whose applications have not been
42 verified pursuant to section 48A.25A. All other
43 records are active records. An inactive record shall
44 be made active when the registered voter votes at an
45 election, registers again, or reports a change of
46 name, address, telephone number, or political party
47 affiliation. A pending record shall be made active
48 upon verification. ~~A local record shall be valid for~~
49 ~~any election for which no candidates for federal~~
50 ~~office appear on the ballot. A registrant with only a~~

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- 1 ~~local record shall not vote in a federal election~~
2 ~~unless the registrant submits a new voter registration~~
3 ~~application before election day indicating that the~~
4 ~~applicant is a citizen of the United States.~~
5 Sec. 45. APPLICABILITY DATE. This division of
6 this Act applies to elections held on or after January
7 1, 2006."
8 2. By striking title page 1, line 1, through page
9 2, line 4, and inserting the following: "An Act
10 relating to the conduct of elections and voter
11 registration and including effective date and
12 applicability provisions."
13 3. By renumbering as necessary.

Amendment [H-1067](#) lost.

Jacobs of Polk offered the following amendment [H-1065](#) filed by her and moved its adoption:

[H-1065](#)

- 1 Amend [House File 644](#) as follows:
2 1. Page 1, by inserting after line 22, the
3 following:
4 "Sec. ____ Section 48A.5, subsection 2, paragraph
5 c, Code 2005, is amended to read as follows:
6 c. Be at least eighteen years of age. Completed
7 registration forms shall be accepted from registrants
8 who are at least seventeen and a half years of age;
9 however, the registration shall not be effective until
10 the registrant reaches the age of eighteen. The
11 commissioner of registration shall ensure that the
12 birth date shown on the registration form is at least
13 seventeen and one-half years earlier than the date the
14 registration is processed."
15 2. Page 1, line 23, by striking the words and
16 figures "subsections 4 and 5," and inserting the
17 following: "subsection 4,".
18 3. Page 1, line 24, by striking the word "are"
19 and inserting the following: "is".
20 4. Page 1, by striking lines 26 through 28, and
21 inserting the following: "and did not answer either
22 "yes" or "no" to the question in section 48A.11,
23 subsection 3, paragraph "a", the application shall not
24 be processed, ~~but the~~".
25 5. Page 2, by striking lines 8 through 16.
26 6. Title page 1, line 1, by inserting after the
27 words "registration by" the following: "making

28 certain corrective changes,".

29 7. Title page 1, by striking lines 6 and 7, and
30 inserting the following: "than one precinct are
31 located, requiring".

32 8. Title page 1, line 17, by inserting after the
33 word "elections," the following: "modifying the time
34 period during which a person may request an absentee
35 ballot,".

36 9. By renumbering as necessary.

Amendment [H-1065](#) was adopted.

Huser of Polk offered the following amendment [H-1077](#) filed by
her and Gaskill of Wapello and moved its adoption:

[H-1077](#)

1 Amend [House File 644](#) as follows:

2 1. Page 1, by inserting after line 22, the
3 following:

4 "Sec.____. Section 43.14, Code 2005, is amended to
5 read as follows:

6 43.14 FORM OF NOMINATION PAPERS.

7 1. Nomination papers shall include a petition and
8 an affidavit of candidacy. All nomination petitions
9 shall be eight and one-half by eleven inches in size
10 and in substantially the form prescribed by the state
11 commissioner of elections. They shall include or
12 provide spaces for the following information:

13 a. A statement identifying the signers of the
14 petition as eligible electors of the appropriate
15 county or legislative district and of the state.

16 b. The name of the candidate nominated by the
17 petition.

18 c. For nomination petitions for candidates for the
19 general assembly, a statement that the residence of
20 the candidate is within the appropriate legislative
21 district, or if that is not true, that the candidate
22 will reside there within sixty days before the
23 election. For other offices, a statement of the name
24 of the county where the candidate resides.

25 d. The political party with which the candidate is
26 a registered voter.

27 e. The office sought by the candidate, including
28 the district number, if any.

29 f. The date of the primary election for which the
30 candidate is nominated.

31 2. Signatures on a petition page shall be counted
32 only if the ~~required~~ information required in
33 subsection 1 is written or printed at the top of the
34 page. Nomination papers on behalf of candidates for

35 seats in the general assembly need only designate the
36 number of the senatorial or representative district,
37 as appropriate, and not the county or counties, in
38 which the candidate and the petitioners reside. A
39 signature line shall not be counted if the line lacks
40 the signature of the eligible elector and the signer's
41 address and city. ~~The person examining the petition~~
42 ~~shall mark any deficiencies on the petition and~~
43 ~~affidavit.~~ A signature line shall not be counted if
44 the signer's address is outside the boundaries of the
45 district.
46 ~~2.~~ 3. The person examining the petition shall
47 mark any deficiencies on the petition and affidavit.
48 Signed nomination petitions and the signed and
49 notarized affidavit of candidacy shall not be altered
50 to correct deficiencies noted during examination. If

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1 the nomination petition lacks a sufficient number of
2 acceptable signatures, the nomination petition shall
3 be rejected and shall be returned to the candidate.
4 4. The nomination papers shall be rejected if the
5 affidavit lacks any of the following:
6 a. The candidate's name.
7 b. The name of the office sought, including the
8 district, if any.
9 c. The political party name.
10 d. The signature of the candidate.
11 e. The signature of a notary public or other
12 officer empowered to witness oaths.
13 5. The candidate may replace a deficient affidavit
14 with a corrected affidavit only if the replacement
15 affidavit is filed before the filing deadline. The
16 candidate may resubmit a nomination petition that has
17 been rejected by adding a sufficient number of pages
18 or signatures to correct the deficiency. A nomination
19 petition and affidavit filed to replace rejected
20 nomination papers shall be filed together before the
21 deadline for filing.
22 Sec. ____ Section 45.5, Code 2005, is amended to
23 read as follows:
24 45.5 FORM OF NOMINATION PAPERS.
25 1. Nomination papers shall include a petition and
26 an affidavit of candidacy. All nomination petitions
27 shall be eight and one-half by eleven inches in size
28 and shall be in substantially the form prescribed by
29 the state commissioner of elections. They shall
30 provide spaces for the following information:
31 a. A statement identifying the signers of the
32 petition as eligible electors of the appropriate ward,
33 city, county, ~~or~~ legislative district, or other

34 district, and of the state of Iowa.
35 b. The name of the candidate nominated by the
36 petition.
37 c. A statement that the candidate is or will be a
38 resident of the appropriate ward, city, county, school
39 district, or legislative or other district as required
40 by section 39.27.
41 d. The office sought by the candidate, including
42 the district number, if any.
43 e. The name and date of the election for which the
44 candidate is nominated.
45 2. Signatures on a petition page shall be counted
46 only if the ~~required~~ information required in
47 subsection 1 is written or printed at the top of the
48 page. Nomination papers on behalf of candidates for
49 seats in the general assembly need only designate the
50 number of the senatorial or representative district,

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1 as appropriate, and not the county or counties, in
2 which the candidate and the petitioners reside. A
3 signature line in a nomination petition shall not be
4 counted if the line lacks the signature of the
5 eligible elector and the signer's address and city.
6 ~~The person examining the petition shall mark any~~
7 ~~deficiencies on the petition. A signature line shall~~
8 ~~not be counted if the signer's address is outside the~~
9 ~~boundaries of the appropriate ward, city, county,~~
10 ~~legislative district, or other district.~~
11 2. 3. The pages of the petition shall be securely
12 fastened together to form a single bundle. Nomination
13 petitions that are not bound shall be returned without
14 further examination. The state commissioner shall
15 prescribe by rule the acceptable methods for binding
16 nomination petitions.
17 3. 4. The person examining the petition shall
18 mark any deficiencies on the petition. Signed
19 nomination petitions and the signed and notarized
20 affidavit of candidacy shall not be altered to correct
21 deficiencies noted during the examination. If the
22 nomination petition lacks a sufficient number of
23 acceptable signatures, the nomination papers shall be
24 rejected and returned to the candidate.
25 5. The nomination papers shall be rejected if the
26 affidavit lacks any of the following:
27 a. The candidate's name.
28 b. The name of the office sought, including the
29 district, if any.
30 c. The signature of the candidate.
31 d. The signature of a notary public or other
32 officer empowered to witness oaths.

33 6. The candidate may replace a deficient affidavit
 34 with a corrected one only if the replacement is filed
 35 before the filing deadline. The candidate may
 36 resubmit a nomination petition that has been rejected
 37 by adding a sufficient number of pages or signatures
 38 to correct the deficiency. A nomination petition and
 39 affidavit filed to replace rejected nomination papers
 40 shall be filed together before the deadline for
 41 filing.

42 Sec. __. Section 45.6, subsection 3, Code 2005,
 43 is amended to read as follows:

44 3. All signers, for all nominations, of each
 45 separate part of a nomination petition, shall reside
 46 in the appropriate ward, city, county, school
 47 district, ~~or~~ legislative district, or other district
 48 as required by section 45.1."

49 2. Title page 1, line 2, by inserting before the
 50 word "prohibiting" the following: "modifying"

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1 signature requirements on nomination petitions,".
 2 3. By renumbering as necessary.

Roll call was requested by Murphy of Dubuque and Smith of Marshall.

On the question "Shall amendment [H-1077](#) be adopted?" ([H.F. 644](#))

The ayes were, 47:

Bell	Berry	Bukta	Cohoon
Dandekar	Davitt	Fallon	Foege
Ford	Frevert	Gaskill	Hogg
Hunter	Huser	Jacoby	Jochum
Kressig	Kuhn	Lensing	Lykam
Mascher	McCarthy	Mertz	Miller
Murphy	Oldson	Olson, D.	Olson, R.
Petersen	Pettengill	Quirk	Reasoner
Reichert	Schueller	Shomshor	Shoultz
Smith	Swaim	Taylor, T.	Thomas
Wendt	Wessel-Kroeschell	Whitaker	Whitead
Winckler	Wise	Zirkelbach	

The nays were, 51:

Alons	Anderson	Arnold	Baudler
Boal	Carroll	Chambers	De Boef
Dix	Dolecheck	Drake	Eichhorn

Elgin	Freeman	Gipp	Granzow
Greiner	Heaton	Hoffman	Horbach
Huseman	Hutter	Jacobs	Jenkins
Jones	Kaufmann	Kurtenbach	Lalk
Lukan	Maddox	May	Olson, S.
Paulsen	Raecker	Rasmussen	Rayhons
Roberts	Sands	Schickel	Soderberg
Struyk	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wilderdyke	Mr. Speaker	
		Rants	

Absent or not voting, 2:

Heddens Taylor, D.

Amendment [H-1077](#) lost.

Jacobs of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 644](#))

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker

Whitead
Zirkelbach

Wilderdyke
Mr. Speaker
Rants

Winckler

Wise

The nays were, none.

Absent or not voting, 2:

Heddens

Taylor, D.

The bill having received a constitutional majority was declared to have passed the House and the title, as amended, was agreed to.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 624 and 644.**

Hoffman of Crawford in the chair at 5:35 p.m.

House File 682, a bill for an act relating to the assessment of a civil penalty upon the entry of a deferred judgment, was taken up for consideration.

Speaker Rants in the chair at 5:36 p.m.

Boal of Polk moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 682](#))

The ayes were, 79:

Alons	Arnold	Baudler	Bell
Boal	Bukta	Carroll	Chambers
Cohoon	Dandekar	De Boef	Dix
Dolecheck	Drake	Eichhorn	Elgin
Foege	Freeman	Frevert	Gipp
Granzow	Greiner	Heaton	Hoffman
Horbach	Huseman	Huser	Hutter
Jacobs	Jenkins	Jochum	Jones
Kaufmann	Kuhn	Kurtenbach	Lalk
Lensing	Lykam	Maddox	May
McCarthy	Mertz	Miller	Murphy

Oldson	Olson, R.	Olson, S.	Paulsen
Petersen	Pettengill	Quirk	Raecker
Rasmussen	Rayhons	Reasoner	Reichert
Roberts	Sands	Schickel	Shomshor
Smith	Soderberg	Struyk	Swaim
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Watts
Wendt	Wessel-Kroeschell	Whitaker	Wilderdyke
Winckler	Wise	Mr. Speaker	
		Rants	

The nays were, 19:

Anderson	Berry	Davitt	Fallon
Ford	Gaskill	Hogg	Hunter
Jacoby	Kressig	Lukan	Mascher
Olson, D.	Schueller	Shoultz	Taylor, T.
Van Fossen, J.R.	Whitead	Zirkelbach	

Absent or not voting, 2:

Heddens	Taylor, D.
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The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

[HOUSE FILE 483](#) WITHDRAWN

Sands of Louisa asked and received unanimous consent to withdraw [House File 483](#) from further consideration by the House.

[House File 700](#), a bill for an act relating to the Iowa soybean association, by providing for its board of directors, market development, and providing for an assessment, was taken up for consideration.

Lalk of Fayette moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([H.F. 700](#))

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar

Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Zirkelbach	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Heddens Taylor, D.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

House File 717, a bill for an act prohibiting the unauthorized sale, ownership, possession, or use of traffic signal preemption devices and providing a penalty, was taken up for consideration.

Jones of Mills moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" (**H.F. 717**)

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cohoon	Dandekar
Davitt	De Boef	Dix	Dolecheck

Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Zirkelbach	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2:

Heddens Taylor, D.

The bill having received a constitutional majority was declared to have passed the House and the title was agreed to.

[HOUSE FILE 542](#) WITHDRAWN

Lalk of Fayette asked and received unanimous consent to withdraw [House File 542](#) from further consideration by the House.

IMMEDIATE MESSAGES

Gipp of Winneshiek asked and received unanimous consent that the following bills be immediately messaged to the Senate: **House Files 682, 700 and 717.**

[HOUSE FILE 62](#) WITHDRAWN

Jones of Mills asked and received unanimous consent to withdraw [House File 62](#) from further consideration by the House.

The House stood at ease at 5:54 p.m., until the fall of the gavel.

The House resumed session at 6:26 p.m., Speaker Rants in the chair.

CONFERENCE COMMITTEE REPORT FILED

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the conference committee report on the following bill has been received and is on file in the office of the Chief Clerk.

[Senate File 169](#), a bill for an act relating to the regulation of substances which are precursors to amphetamine and methamphetamine and providing a penalty and effective dates, was taken up for consideration.

ON THE PART OF THE HOUSE:

CLEL BAUDLER, Chair
CECIL DOLECHECK
JIM LYKAM
KEVIN MCCARTHY
TOM SANDS

ON THE PART OF THE SENATE:

BOB BRUNKHORST, Co-Chair
KEITH KREIMAN, Co-Chair
TOM HANCOCK
DAVID MILLER
STEVE WARNSTADT
BRAD ZAUN

MARGARET A. THOMSON
Chief Clerk of the House

ADOPTION OF THE REPORT OF THE CONFERENCE COMMITTEE ([Senate File 169](#))

Baudler of Adair called up for consideration the report of the conference committee on [Senate File 169](#) and moved the adoption of the conference committee report and the amendments contained therein as follows:

REPORT OF THE CONFERENCE COMMITTEE ON [SENATE FILE 169](#)

To the Co-Presidents of the Senate and the Speaker of the House of Representatives:

We, the undersigned members of the conference committee appointed to resolve the differences between the Senate and House of Representatives on [Senate File 169](#), a bill for an Act relating to the regulation of substances which are precursors to amphetamine and methamphetamine and providing a penalty and effective dates, respectfully make the following report:

1. That the House recedes from its amendment, S-3015.

2. That [Senate File 169](#), as amended, passed, and reprinted by the Senate, is amended to read as follows:

1. By striking everything after the enacting clause and inserting the following:

"Section 1. Section 124.212, subsection 4, Code 2005, is amended by striking the subsection and inserting in lieu thereof the following:

4. PRECURSORS TO AMPHETAMINE AND METHAMPHETAMINE. Unless specifically excepted in paragraph "d" or "e" or listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following precursors to amphetamine or methamphetamine, including their salts, optical isomers, and salts of their optical isomers:

a. Ephedrine.

b. Phenylpropanolamine.

c. Pseudoephedrine. A person shall not purchase more than seven thousand five hundred milligrams of pseudoephedrine, either separately or collectively, within a thirty-day period from a pharmacy, unless the person has a prescription for a pseudoephedrine product in excess of that quantity.

d. Any product that contains three hundred sixty milligrams or less of pseudoephedrine, its salts, optical isomers, and salts of its optical isomers, which is in liquid, liquid capsule, or liquid-filled gel capsule form, is excepted from this schedule and may be warehoused, distributed, and sold over the counter pursuant to section 126.23A.

e. A pseudoephedrine product warehoused by a distributor located in this state which is warehoused for export to a retailer outside this state is excepted from this schedule. A distributor warehousing and exporting a pseudoephedrine product shall register with the board and comply with any rules adopted by the board and relating to the diversion of pseudoephedrine products from legitimate commerce.

Sec. 2. NEW SECTION. 124.213 PHARMACY PSEUDOEPHEDRINE SALE RESTRICTION – PENALTY.

A person who purchases more than seven thousand five hundred milligrams of pseudoephedrine from a pharmacy in violation of section 124.212 or a retailer in violation of section 126.23A, either separately or collectively, within a thirty-day period commits a serious misdemeanor.

Sec. 3. Section 126.23A, Code 2005, is amended by striking the section and inserting in lieu thereof the following:

126.23A PSEUDOEPHEDRINE RETAIL RESTRICTIONS.

1. a. A retailer or an employee of a retailer shall not do any of the following:

(1) Sell a product that contains more than three hundred sixty milligrams of pseudoephedrine in violation of section 124.212, subsection 4.

(2) Knowingly sell more than one package of a product containing pseudoephedrine to a person in a twenty-four-hour period.

(3) Sell a package of a pseudoephedrine product that can be further broken down or subdivided into two or more separate and distinct packages or offer promotions where a pseudoephedrine product is given away for free as part of any purchase transaction.

b. A retailer or an employee of a retailer shall do the following:

(1) Provide for the sale of a pseudoephedrine product in a locked cabinet or behind a sales counter where the public is unable to reach the product and where the public is not permitted.

(2) Require a purchaser to present a government-issued photo identification card identifying the purchaser prior to purchasing a pseudoephedrine product.

(3) Require the purchaser to legibly sign a logbook and to also require the purchaser to print the purchaser's name and address in the logbook.

(4) Determine the signature in the logbook corresponds with the name on the government-issued photo identification card.

(5) Keep the logbook twelve months from the date of the last entry.

(6) Provide notification in a clear and conspicuous manner in a location where a pseudoephedrine product is offered for sale stating the following:

Iowa law prohibits the over-the-counter purchase of more than one package of a product containing pseudoephedrine in a twenty-four-hour period or of more than seven thousand five hundred milligrams of pseudoephedrine within a thirty-day period. If you purchase a product containing pseudoephedrine, you are required to sign a logbook which may be accessible to law enforcement officers.

2. A purchaser shall not do any of the following: a. Purchase more than one package of a pseudoephedrine product within a twenty-four-hour period from a retailer.

b. Purchase more than seven thousand five hundred milligrams of pseudoephedrine from a retailer, either separately or collectively, within a thirty-day period.

3. A purchaser shall legibly sign the logbook and also print the purchaser's name and address in the logbook.

4. Enforcement of this section shall be implemented uniformly throughout the state. A political subdivision of the state shall not adopt an ordinance regulating the display or sale of products containing pseudoephedrine. An ordinance adopted in violation of this section is void and unenforceable and any enforcement activity of an ordinance in violation of this section is void.

5. The logbook may be kept in an electronic format upon approval by the department of public safety.

6. A pharmacy that sells a product that contains three hundred sixty milligrams or less of pseudoephedrine on a retail basis shall comply with the provisions of this section with respect to the sale of such product. However, a pharmacy is exempted from the provisions of this section when selling a pseudoephedrine product pursuant to section 124.212.

7. A retailer or an employee of a retailer that reports to any law enforcement agency any alleged criminal activity related to the purchase or sale of pseudoephedrine or who refuses to sell a pseudoephedrine product to a person is immune from civil liability for that conduct, except in cases of willful misconduct.

8. If a retailer or an employee of a retailer violates any provision of this section, a city or county may assess a civil penalty against the retailer upon hearing and notice as provided in section 126.23B.

9. An employee of a retailer who commits a violation of subsection 1 or a purchaser who commits a violation of subsection 2 commits a simple misdemeanor punishable by a scheduled fine under section 805.8C, subsection 6.

10. As used in this section, "retailer" means a person or business entity engaged in this state in the business of selling products on a retail basis. An "employee of a retailer" means any employee, contract employee, or agent of the retailer.

Sec. 4. NEW SECTION. 126.23B CIVIL PENALTY.

1. A city or a county may enforce section 126.23A, after giving the retailer an opportunity to be heard upon ten days' written notice by restricted certified mail stating the alleged violation and the time and place at which the retailer may appear and be heard.

2. For a violation of section 126.23A by the retailer or an employee of the retailer a civil penalty shall be assessed against the retailer as follows:

a. For a first violation, the retailer shall be assessed a civil penalty in the amount of three hundred dollars.

b. For a second violation within a period of two years, the retailer shall be assessed a civil penalty in the amount of one thousand five hundred dollars.

c. For a third violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of two thousand dollars. The retailer may also be prohibited from selling pseudoephedrine for up to three years from the date of assessment of the civil penalty.

d. For a fourth or subsequent violation within a period of three years, the retailer shall be assessed a civil penalty in the amount of three thousand dollars. On a fourth or subsequent violation, the retailer shall be prohibited from selling pseudoephedrine products for three years from the date of the assessment of the civil penalty.

3. The city or county that takes legal action against a retailer under this section shall report the assessment of a civil penalty to the department of public safety within thirty days of the penalty being assessed.

4. The civil penalty shall be collected by the clerk of the district court and shall be distributed as provided in section 602.8105, subsection 4.

Sec. 5. Section 602.8105, subsection 4, Code 2005, is amended to read as follows:

4. The clerk of the district court shall collect a civil penalty assessed against a retailer pursuant to section ~~126.23A-126.23B~~. Any moneys collected from the civil penalty shall be distributed to the ~~state or a political subdivision of the state as provided in city or county that brought the enforcement action for a violation of section 126.23A, subsection 7.~~ Sec. 6. Section 714.7C, Code 2005, is amended to read as follows:

714.7C THEFT OF PSEUDOEPHEDRINE – ENHANCEMENT.

Notwithstanding section 714.2, subsection 5, a person who commits a simple misdemeanor theft of ~~more than two packages~~ a product containing ~~any of the following pseudoephedrine from a retailer as defined in section 126.23A~~ commits a serious misdemeanor:

~~1. Pseudoephedrine as the product's sole active ingredient.~~

~~2. Pseudoephedrine in combination with other active ingredients. A simple misdemeanor theft of more than two packages containing pseudoephedrine as the products' sole active ingredient which are in liquid form does not constitute a serious misdemeanor under this section.~~

Sec. 7. Section 804.21, subsection 1, Code 2005, is amended to read as follows:

1. A person arrested in obedience to a warrant shall be taken without unnecessary delay before the nearest or most accessible magistrate. The officer shall at the same time deliver to the magistrate the warrant with the officer's return endorsed on it and subscribed by the officer with the officer's official title. However, this section, and sections 804.22 and 804.23, do not preclude the release of an arrested person within the period of time the person would otherwise remain incarcerated while waiting to be taken before a magistrate if the release is pursuant to pretrial release guidelines or a bond schedule promulgated by the judicial council, unless the person is charged with manufacture, delivery, possession with intent to deliver, or distribution of methamphetamine. If, however, a person is released pursuant to pretrial release guidelines, a magistrate must, within twenty-four hours of the release, or as soon as practicable on the next subsequent working day of the court, either approve in writing of the release, or disapprove of the release and issue a warrant for the person's arrest.

Sec. 8. Section 804.22, unnumbered paragraph 2, Code 2005, is amended to read as follows: This section and the rules of criminal procedure do not affect the provisions of chapter 805 authorizing the release of a person on citation or bail prior to initial appearance, unless the person is charged with manufacture, delivery, possession with intent to deliver, or distribution of methamphetamine.

The initial appearance of a person so released shall be scheduled for a time not more than thirty days after the date of release.

Sec. 9. Section 805.8C, subsection 6, Code 2005, is amended by striking the subsection and inserting in lieu thereof the following:

6. PSEUDOEPHEDRINE SALES VIOLATIONS. For violations of section 126.23A, subsection 1, by an employee of a retailer, or for violations of section 126.23A, subsection 2, by a purchaser, the scheduled fine is as follows:

- a. If the violation is a first offense, the scheduled fine is one hundred dollars.
- b. If the violation is a second offense, the scheduled fine is two hundred fifty dollars.
- c. If the violation is a third or subsequent offense, the scheduled fine is five hundred dollars.

Sec. 10. Section 811.2, subsection 1, unnumbered paragraph 2, Code 2005, is amended to read as follows:

Any bailable defendant who is charged with unlawful possession, manufacture, delivery, or distribution of a controlled substance or other drug under chapter 124 and is ordered released shall be required, as a condition of that release, to submit to a substance abuse evaluation and follow any recommendations proposed in the evaluation for appropriate substance abuse treatment. However, if a bailable defendant is charged with manufacture, delivery, possession with the intent to deliver, or distribution of methamphetamine, its salts, optical isomers, and salts of its optical isomers, the defendant shall, in addition to a substance abuse evaluation, remain under supervision and be required to undergo random drug tests as a condition of release.

Sec. 11. Section 811.2, subsection 3, Code 2005, is amended to read as follows:

3. RELEASE AT INITIAL APPEARANCE. This chapter does not preclude the release of an arrested person as authorized by section 804.21, unless the arrested person is charged with manufacture, delivery, possession with the intent to deliver, or distribution of methamphetamine.

Sec. 12. RETAILER COMPLIANCE. Be it deemed necessary for public safety purposes, retailers shall begin to take steps to come into compliance with the provisions of this Act as soon as possible.

Sec. 13. DRUG POLICY COORDINATOR – REPORT. The drug policy coordinator shall report, in a joint meeting, to the committee on judiciary of the senate and the committee on public safety of the house of representatives in January 2006 and in January 2007, the effects of this Act on methamphetamine abuse and related criminal activity.

Sec. 14. EFFECTIVE DATES. This Act takes effect sixty days from the date of enactment or July 1, 2005, whichever is earlier. However, the portion of the section of this Act amending section 124.212, subsection 4, which makes all ephedrine products schedule V controlled substances, and the sections of this Act amending sections 804.21, 804.22, and

ON THE PART OF THE HOUSE:

CLEL BAUDLER, Chair
CECIL DOLECHECK
JIM LYKAM
KEVIN MCCARTHY
TOM SANDS

ON THE PART OF THE SENATE:

BOB BRUNKHORST, Co-Chair
KEITH KREIMAN, Co-Chair
TOM HANCOCK
DAVID MILLER
STEVE WARNSTADT
BRAD ZAUN

The motion prevailed and the conference committee report was adopted.

Baudler of Adair moved that the bill be read a last time now and placed upon its passage which motion prevailed and the bill was read a last time.

On the question "Shall the bill pass?" ([S.F. 169](#))

The ayes were, 98:

Alons	Anderson	Arnold	Baudler
Bell	Berry	Boal	Bukta
Carroll	Chambers	Cphoon	Dandekar
Davitt	De Boef	Dix	Dolecheck
Drake	Eichhorn	Elgin	Fallon
Foege	Ford	Freeman	Frevert
Gaskill	Gipp	Granzow	Greiner
Heaton	Hoffman	Hogg	Horbach
Hunter	Huseman	Huser	Hutter
Jacobs	Jacoby	Jenkins	Jochum
Jones	Kaufmann	Kressig	Kuhn
Kurtenbach	Lalk	Lensing	Lukan
Lykam	Maddox	Mascher	May
McCarthy	Mertz	Miller	Murphy
Oldson	Olson, D.	Olson, R.	Olson, S.
Paulsen	Petersen	Pettengill	Quirk
Raecker	Rasmussen	Rayhons	Reasoner
Reichert	Roberts	Sands	Schickel
Schueller	Shomshor	Shoultz	Smith
Soderberg	Struyk	Swaim	Taylor, T.
Thomas	Tjepkes	Tomenga	Tymeson
Upmeyer	Van Engelenhoven	Van Fossen, J.K.	Van Fossen, J.R.
Watts	Wendt	Wessel-Kroeschell	Whitaker
Whitead	Wilderdyke	Winckler	Wise
Zirkelbach	Mr. Speaker		
	Rants		

The nays were, none.

Absent or not voting, 2

Heddens Taylor, D.

The bill having received a constitutional majority was declared to have passed the House and the title agreed to.

IMMEDIATE MESSAGE

Gipp of Winneshiek asked and received unanimous consent that [Senate File 169](#) be immediately messaged to the Senate.

[HOUSE FILE 704](#) REREFERRED

The Speaker announced that [House File 704](#), previously referred to **the calendar** was rereferred to committee on **judiciary**.

[HOUSE FILE 791](#) REREFERRED

The Speaker announced that [House File 791](#), previously referred to **the calendar** was rereferred to committee on **ways and means**.

EXPLANATIONS OF VOTE

I was necessarily absent from the House chamber on March 14, 2005. Had I been present, I would have voted "aye" on House Files 370, 398, 423, 438, 469, 476, 480, 581, 607 and Senate Files 139 and 141. I would have voted "nay" on House Files 479, 529, 642 and amendment [H-1056](#).

T. TAYLOR of Linn

I was necessarily absent from the House chamber on March 15, 2005. Had I been present, I would have voted "aye" on House Files 440, 478, 512, 532, 580, 683 and [Senate File 169](#).

FORD of Polk

CERTIFICATES OF RECOGNITION

MR. SPEAKER: The Chief Clerk of the House respectfully reports that certificates of recognition have been issued as follows.

MARGARET A. THOMSON
Chief Clerk of the House

2005\764	Susan Mitchell, West Liberty – For celebrating her 101 st birthday.
2005\765	Bernice Poock, West Liberty – For celebrating her 80 th birthday.
2005\766	Beulah McDaniel, Clarence – For celebrating her 80 th birthday.
2005\767	Maxine Maher, Iowa City – For celebrating her 90 th birthday.

- 2005\768 Richard and Arla Mae Ebers, Lowden – For celebrating their 50th wedding anniversary.
- 2005\769 Elmer and Luva Jean Peterson, Tipton – For celebrating their 65th wedding anniversary.
- 2005\770 Charlie Broghammer, West Union – For celebrating 52 years of volunteer service on the West Union Fire Department.
- 2005\771 Elda Steege, Tripoli – For celebrating her 90th birthday.
- 2005\772 Dorothy McAllister, Oelwein – For celebrating her 90th birthday.
- 2005\773 Orville Duecker, Frederika – For celebrating his 80th birthday.
- 2005\774 Alice Bock, Tripoli – For celebrating her 85th birthday.
- 2005\775 Betty Heffern, Mason City – For celebrating 80th birthday.
- 2005\776 Earl Berghefer, Mason City – For celebrating his 86th birthday.
- 2005\777 Rev. Albert Kleinsasser, Mason City – For celebrating his 94th birthday.
- 2005\778 Margaret de Haas, Rock Valley – For celebrating her 90th birthday.
- 2005\779 Ryan Douglas Luehring, Gladbrook – For attaining the rank of Eagle Scout, the highest rank in the Boy Scouts of America.
- 2005\780 Delia Delger, Kanawha – For celebrating her 90th birthday.
- 2005\781 Norris and Esther Skadburg, Eagle Grove – For celebrating their 65th wedding anniversary.
- 2005\782 Paul and Margaret Brim, Webster City – For celebrating their 70th wedding anniversary.
- 2005\783 John and Hermina Lode, Sheldon – For celebrating their 65th wedding anniversary.
- 2005\784 Anna Kreykes, Sheldon – For celebrating her 90th birthday.
- 2005\785 Luella Hollander, Matlock – For celebrating her 90th birthday.
- 2005\786 Marion and Ruth Van Zandbergen, Sioux Center – For celebrating their 50th wedding anniversary.
- 2005\787 Howard and Jo Ann Radunz, Ocheyedon – For celebrating their 50th wedding anniversary.

- 2005\788 Simon and Wilma De Boers, Sheldon – For celebrating their 50th wedding anniversary.
- 2005\789 South Tama County High School Marching Band and Director Mike Carnahan, South Tama County High School – For being selected to represent Iowa in the National Independence Day Parade in Washington, D.C.
- 2005\790 Theresa Albright, Farragut – For being inducted into the Iowa Girls Basketball Hall of Fame.
- 2005\791 Dustin Hinschberger, Belle Plaine – For winning the NCAA Division III wrestling championship.
- 2005\792 Genevieve Rockwell, Oskaloosa – For celebrating her 90th birthday.
- 2005\793 Edna Chyma, Grinnell – For celebrating her 94th birthday.
- 2005\794 Keith Vosburg, Grinnell – For celebrating his 80th birthday.
- 2005\795 Rachel Sanders, Grinnell – For celebrating her 90th birthday.
- 2005\796 Raymond and Shirley Larsen, Grinnell – For celebrating their 50th wedding anniversary.
- 2005\797 Pauline Burlingame, Grinnell – For celebrating her 90th birthday.
- 2005\798 Dorothy Wolf, Grinnell – For celebrating her 86th birthday.
- 2005\799 Blanche Dermody, Parnell – For celebrating her 80th birthday.
- 2005\800 Elenora Kozishek, Amana – For celebrating her 100th birthday.
- 2005\801 Lloyd Ewoldt, Davenport – For celebrating his 90th birthday.
- 2005\802 Florence Bethurum, Dixon – For celebrating her 100th birthday.
- 2005\803 Mr. and Mrs. Robert Petersen, Walcott – For celebrating their 50th wedding anniversary.
- 2005\804 Jack and Helen Hamburg, Cantril – For celebrating their 50th wedding anniversary.
- 2005\805 Dorsey and Juanita Haney, Cantril – For celebrating their 65th wedding anniversary.
- 2005\806 Charter Oak-Ute Lady Bobcats and Coaches Brian DeJong and Heather Block, Charter Oak-Ute High School – For winning the class 1-A 2005 Girls State Basketball Championship.

- 2005\807 Tom and Eleanor Rosauer, Denison – For celebrating their 59th wedding anniversary.
- 2005\808 Rita Fox, Sigourney – For celebrating her 90th birthday.
- 2005\809 Merle and Mary Cingman, Hedrick – For celebrating their 65th wedding anniversary.

SUBCOMMITTEE ASSIGNMENTS

[House File 513](#)

Ways and Means: Huser, Chair; Eichhorn and Struyk.

[House File 779](#)

Education: Tomenga, Chair; Cohoon and Paulsen.

HOUSE STUDY BILL SUBCOMMITTEE ASSIGNMENTS

[House Study Bill 282](#)

Ways and Means: Upmeyer, Chair; Drake and Frevert.

[House Study Bill 283](#)

Ways and Means: Paulsen, Chair; Hogg and Kaufmann.

HOUSE STUDY BILL COMMITTEE ASSIGNMENT

[H.S.B. 284](#) Appropriations

Relating to and making appropriations to the department of human services, the department of elder affairs, the Iowa department of public health, the commission of veterans affairs and the Iowa veterans home, and the department of inspections and appeals, providing for fee increases, and including other related provisions and appropriations, and providing effective dates.

COMMITTEE RECOMMENDATIONS

MR. SPEAKER: The Chief Clerk of the House respectfully reports that the following committee recommendations have been received and are on file in the office of the Chief Clerk.

MARGARET A. THOMSON
Chief Clerk of the House

COMMITTEE ON APPROPRIATIONS

Committee Bill (Formerly [House Study Bill 276](#)), relating to and making appropriations involving state government, including provisions affecting agriculture and natural resources.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 15, 2005.

Committee Bill (Formerly [House Study Bill 277](#)), relating to and making appropriations to the department of economic development, certain board of regents institutions, the department of workforce development, and the public employment relations board and related matters.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 15, 2005.

Committee Bill (Formerly [House Study Bill 278](#)), relating to and making appropriations to certain state departments, agencies, funds, and certain other entities, providing for regulatory authority, and other properly related matters, and providing an effective date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 14, 2005.

Committee Bill (Formerly [House Study Bill 279](#)), relating to and making appropriations to the justice system.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 15, 2005.

COMMITTEE ON GOVERNMENT OVERSIGHT

Committee Bill (Formerly [House Study Bill 242](#)), relating to electronic notices of bidding opportunities for state purchases and of any extension or renewal of existing contracts.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 16, 2005.

COMMITTEE ON WAYS AND MEANS

Committee Bill (Formerly [House Study Bill 8](#)), expanding the child and dependent care credit under the individual income tax and including a retroactive applicability date.

Fiscal Note is not required.

Recommended **Amend and Do Pass** March 15, 2005.

Committee Bill (Formerly [House Study Bill 207](#)), providing a deduction in computing the individual income tax for certain unreimbursed expenses relating to a human organ transplant and including a retroactive applicability date.

Fiscal Note is not required.

Recommended **Do Pass** March 15, 2005.

RESOLUTION FILED

[SCR 5](#), by McKibben and Dotzler, a concurrent resolution urging the United States Congress to appropriate funding for the Historic Barn Preservation Act.

Laid over under **Rule 25**.

AMENDMENTS FILED

H-1089	H.F.	712	Schickel of Cerro Gordo
			D. Olson of Boone
H-1090	H.F.	686	T. Taylor of Linn
			Paulsen of Linn
H-1091	H.F.	551	Raecker of Polk
H-1092	H.F.	727	Carroll of Poweshiek
H-1093	H.F.	732	Boal of Polk
			Raecker of Polk
			Jacobs of Polk
			Elgin of Linn
H-1094	H.F.	791	Greiner of Washington
H-1095	H.F.	537	Kurtenbach of Story
			Huser of Polk
			Van Engelenhoven of Marion
H-1096	H.F.	759	Baudler of Adair
H-1097	H.F.	728	Raecker of Polk

On motion by Gipp of Winneshiek the House adjourned at 6:38 p.m., until 8:45 a.m., Thursday, March 17, 2005.